Montana State Legislature

Exhibit 4

This exhibit is an over sized booklet which can not be scanned, therefore only the front cover and table of content have been scanned to aid in your research.
The original exhibits are on file at the Montana Historical Society and may be viewed there.

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SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4
DATE 2.20.09
BILL NO. SB 423

M.E.C.A.

Montana Environmental Consultants Association
P.O. Box 2071 Kalispell, Mt. 59903

Dear Chairman Esp and members of the Senate Local Gov't Committee

Subject: SB 423
Date: 2/20/09

Our organization supports the concept of BEST Management practices with regards to protecting water quality. BEST Management practices have been proven as an effective means to protecting water quality.

It is clear that the Legislature will be debating whether or not to place additional regulations on the citizens of Montana with regards to protecting water quality. Two approaches to this are being considered as follows:

1. **HB 455**, Big Sky Rivers Act, which is an arbitrary one-size fits all approach that deems large portions of private property across Montana unusable. **Our organization adamantly opposes this approach**.

2. **SB 423**, Montana Stream Protection Act, which proposes the use of BEST Management practices. **Our organization supports this approach**.

If the legislature thinks it is prudent to do something, then we support the BEST Management approach. We believe that there are currently adequate regulations and rules on the books to adequately protect water quality. However, BEST Management practices enhance these rules and regulations.

I have attached with this cover letter, several exhibits which demonstrate why the one-size-fits all arbitrary approach of HB 455 is the wrong headed approach.

EXHIBIT 1: Modeling Water Quality Impacts of Storm Water Runoff, Why Hydraulic Models Aren't Sufficient, Civil Engineering News, 2008. This study demonstrates that it is required to address impacts to water bodies from development on a case-by-case site specific basis.

EXHIBIT 2: Riparian Buffer Width, Vegetative Cover, and Nitrogen Removal Effectiveness; A Review of Current Science and Regulations, United States Environmental Protection Agency. This peer-reviewed study demonstrates that it is required to address impacts to water bodies from development on a case-by-case site-specific basis. In particular, it shows that nitrogen removal can be effective with a >95% nitrogen removal in 1 meter of ground water wetlands. This publication also shows different removal rates for forest and grassland areas.

EXHIBIT 3: Portion of Water Ways, published in the Daily Interlake, Oct. 22-24, 2006, shows quotes from Dr. Jack Stanford, which shows that current septic system technology is quite good.

EXHIBIT 4: Sizing Stream Setbacks to Help Maintain Stream Stability, Ohio State University July 28, 2002. This study shows that successful stream stewardship requires combining knowledge of natural stream concepts with sound engineering and scientific principles.

EXHIBIT 5: Copy of Contech Construction products business card. This company is one example of the advancement in storm water treatment design that is available. We can treat storm water to the level needed depending on the site-specific data.

EXHIBIT 6: Copy of information sheet from Advantex Treatment system information page for residential sewage treatment. These systems provide advanced treatment for individual septic systems to protect water quality.

There are mountains of data showing that site-specific data is required to design adequate systems for addressing impacts from storm drain and sanitary sewer impacts. In addition there are many options available for advanced treatment for both storm water and wastewater from development. The only way to know what technology needs to be used is to know the site-specific case-by-case data. A one size-fits-all arbitrary setback is not based on science and may not adequately address the issues.

With all the current technology available, it is obvious that we can protect water quality without condemning large swaths of private property.

Very truly yours,

Jeff H. Larsen, P.E., P.L.S.
Vice-president of MECA

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